

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 13 MAR 2006

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Applicant's or agent's file reference V80229WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CA2005/000016	International filing date (day/month/year) 06 January 2005 (06-01-2005)	Priority date (day/month/year) 23 July 2004 (23-07-2004)
International Patent Classification (IPC) or national classification and IPC IPC: <i>B65D 33/28</i> (2006.01), <i>B65D 30/10</i> (2006.01)		
Applicant CO, SU LIN ET AL		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> [X] (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:</p> <p style="margin-left: 80px;"><input checked="" type="checkbox"/> [X] sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 80px;"><input type="checkbox"/> [] sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box.</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> [] (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> [X] Box No. I Basis of the report</p> <p><input type="checkbox"/> [] Box No. II Priority</p> <p><input type="checkbox"/> [] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> [] Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> [X] Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> [] Box No. VI Certain documents cited</p> <p><input type="checkbox"/> [] Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> [] Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 05 August 2005 (05-08-2005)	Date of completion of this report 8 March 2006 (08-03-2006)	
Name and mailing address of the IPEA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0C9 Facsimile No.: 001(819)953-2476	Authorized officer Krystyna Bielunska (819) 934-3416	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CA2005/000016

Box No. I Basis of the report

1. With regard to the language, this report is based on:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (Rule 12.4(a))
 - ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - ☒ pages 1-18 as originally filed/furnished
 - ☐ pages* received by this Authority on _____
 - ☐ pages* received by this Authority on _____
 - ☒ the claims:
 - ☐ pages as originally filed/furnished
 - ☐ pages* as amended (together with any statement) under Article 19
 - ☒ pages* 19-24 received by this Authority on 23 January 2006
 - ☐ pages* received by this Authority on _____
 - ☒ the drawings:
 - ☒ pages 1-9 as originally filed/furnished
 - ☐ pages* received by this Authority on _____
 - ☐ pages* received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☒ the claims, Nos. 1-23
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CA2005/000016**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	<u>1-23</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1-23</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1-23</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations (Rule 70.7)

D1: PH 5419 U (CO, S.) 06 December 1983 (06-12-1983)

D2: US 5,219,424 A (SIMHAE, E.) 15 June 1993 (15-06-1993)

Co, in D1, discloses a bag comprising a plastic bag body having a heat sealed bottom and an open top end, and a vertically disposed tie strip having its lower end with score lines being heat sealed on the bottom of the bag body and its upper end spot sealed on the top end of the bag body; the tie strip being easily detachable from the bag body for use to close the bag.

Simhaee, in D2, discloses a roll of plastic bags for use with bag dispensing device; the plastic bag configuration is of the "star-seal" type, which is made by folding a double sided gusseted bag.

The amended claims 1-23 overcome the previous objection on anticipation (claims 9-11) and obviousness (claims 9-14).

Novelty (N)

Claims 1-23 are considered to be novel in accordance with PCT Article 33(2), in that there is no single prior art document which discloses the features of having an intermittent weld detachably securing the first layer of the film to the second layer of the film and a first end of a flexible plastic elongated tie strip is being non-detachably secured to the bag adjacent the bag opening and a second end of the tie strip is being non-detachably secured to the bag by the bottom edge weld.

Inventive Step (IS)

Claims 1-23 are considered to involve an inventive step in accordance with PCT Article 33(3), in that they would not be obvious to the person skilled in the art, having regard to the prior art at the prescribed relevant date.

Industrial Applicability (IA)

Claims 1-23 are considered to have industrial applicability in accordance with PCT Article 33(4), in that they define subject matter that is useful in a technical sense.